

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 03-CR-0037

JAMES LUEDTKE,

Defendant.

ORDER DENYING MOTION

The defendant in the above matter has filed a motion challenging the Bureau of Prisons (“BOP”) administration of the Inmate Financial Responsibility Program. The defendant was convicted of armed robbery and related offenses some seven years ago, and ordered to pay restitution. While Luedke admits that the normal course of action against the BOP would be to file an administrative appeal, he contends that “there is nothing normal about the Bureau of Prisons.” He argues that it is a “profoundly dysfunctional and broken governmental boondoggle.”

The motion is denied. This Court has no jurisdiction or authority over the BOP’s administration of the Inmate Financial Responsibility Program:

Courts are not authorized to override the Bureau's discretion about such matters, any more than a judge could dictate particulars about a prisoner's meal schedule or recreation (all constitutional problems to the side). Prisoners dissatisfied with a warden's administration of the Inmate Financial Responsibility Program may appeal within the Bureau of Prisons, see 28 C.F.R. § 545.11(d), and may be able to obtain judicial review of the Bureau's final decision under the Administrative Procedure Act. 5 U.S.C. § 702.

United States v. Sawyer, 521 F.3d 792, 794 (7th Cir. 2008). As *Sawyer* unequivocally states, Luedke's remedy for alleged error in the administration of the Inmate Financial Responsibility Program is to pursue the administrative appeal within the BOP, followed by judicial review in the Court of Appeals. Accordingly, his motion will be **DENIED**.

SO ORDERED this 28th day of December, 2010.

s/ William C. Griesbach

WILLIAM C. GRIESBACH
United States District Judge